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JUN 19 2001

In re Application of
Layne Britton
Application No. 09/412,993
Filed: October 5, 1999
Attorney Docket No. 3099P017

**OFFICE OF PETITIONS
A/C PATENTS**

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed November 1, 1999. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 2, 2000.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (1).

This application became abandoned for failure to file a reply to the Notice of File Missing Parts of Application (Notice) mailed November 1, 1999. The reply required for consideration of a petition to revive must be a signed declaration.

Since petitioner has failed to submit the reply required by 37 CFR 1.137(b)(1), the petition must be dismissed.

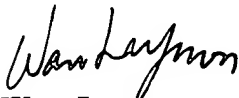
Further correspondence with respect to this matter should be addressed as follows:

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